

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 4-8, and 10-15 are presently pending in this case. Claims 1, 4-7, and 10-13 are amended by the present amendment. As amended Claims 1, 4-7, and 10-13 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, the specification was objected to; Claims 1, 2, 4-6, 14, and 15 were rejected 35 U.S.C. §101; Claims 1-6, 12, 14, and 15 were rejected under 35 U.S.C. §112, second paragraph; and Claims 1, 2, 4-8, and 10-15 were rejected under 35 U.S.C. §102(e) as anticipated by Kanemitsu (U.S. Patent No. 6,928,262).

Applicants and Applicants' representatives thank Examiner Robinson for the courtesy of the interview granted to Applicants' representatives on April 15, 2010. During the interview, the differences between proposed amendments to the claims and Kanemitsu were discussed. Examiner Robinson agreed that the proposed amendment may overcome the rejection of record subject to further consideration.

With regard to the objection to the specification, the pending claims are amended to remove the term "hardware." Accordingly, the objection to the specification is believed to be overcome.

With regard to rejection of Claims 1, 2, 4-6, 14, and 15 under 35 U.S.C. §101, Claims 1 is amended to recite "a communication unit, including a processor" to tie this claim to a particular machine, namely the processor. Accordingly, Claim 1 (and all claims dependent therefrom) is in compliance with the machine or transformation test enunciated in *In re Bilski*, and thus with all requirements under 35 U.S.C. §101.

¹See, e.g., Figures 1 and 2 and paragraph 53 of the publication.

With regard to rejection of Claims 1-6, 14, and 15 under 35 U.S.C. §112, second paragraph, amended Claim 1 recites “a detector configured to detect an appearance frequency of said keyword by said broadcast programs *by searching* the broadcast content information received by said communication unit, said detector configured to generate a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword as a search result.” Accordingly, amended Claim 1 recites a search process which provides a ranking of broadcast programs as a search result. Consequently, Claims 1-6, 14, and 15 are in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claim 1 as anticipated by Kanemitsu, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

a keyword registration unit configured to register a keyword for showing the user's preference in broadcast programs;
a communication unit, including a processor, configured to receive broadcast content information including the titles of said broadcast programs that will be broadcasted by one or more broadcasting stations; and
a detector configured to detect an appearance frequency of said keyword by said broadcast programs by searching the broadcast content information received by said communication unit, *said detector configured to generate a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword as a search result, the detector configured to generate the ranking based on a number of times the keyword appears in each broadcast program.*

Initially, it is respectfully noted that well settled case law holds that "A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (Emphasis added.) See also MPEP §2131. It is respectfully submitted that Kanemitsu does not describe each and every element of any of the independent claims *as set forth in claim*, as described below.

Kanemitsu describes a broadcast receiving device that searches broadcast content for a keyword, and displays all programs that include that keyword at least once.² The outstanding Office Action cited column 8, lines 35-61, column 10, lines 19-36, column 11, lines 28-32, and Figure 11 of Kanemitsu as describing “the ranking of said broadcast programs in the descending order.”³ However, it is respectfully submitted that columns 11-16 describe searching based on keywords, and the result is displaying every program including such a keyword, as shown in Figure 17 of Kanemitsu. There is no discussion in Kanemitsu that the programs are displayed in any particular order, or that any ranking of the programs is determined. Accordingly, columns 11-16 of Kanemitsu cannot teach or suggest “said detector configured to **generate a ranking of said broadcast programs** in a descending order of a higher appearance frequency of said keyword as a search result, the detector configured to generate the ranking based on a number of times the keyword appears in each broadcast program” as recited in amended Claim 1.

Columns 8-11 of Kanemitsu describe ranking a plurality of topics, such as “song title,” used to display search results. In this regard, the topics are ranked based on which topics are selected most often by a user, as described at column 10, lines 19-36. This ranking of topics has nothing to do with an appearance frequency of keywords. An example of a display of a topic having the highest priority rank is shown in Figure 21 of Kanemitsu. This figure shows that song title is the music topic used most often for searching music, and does not list or rank any broadcast programs at all. Thus, Figure 21 of Kanemitsu has nothing to do with ranking broadcast programs based an appearance frequency of keywords. Finally, column 11, lines 28-32 again describes that topics selected most often by a user are ranked in that priority order. Again, this has nothing to do with ranking broadcast programs based an appearance frequency of keywords. Accordingly, the descriptions in columns 8-11 cannot

²See Kanemitsu, column 12, line 9 to column 13, line 5 and Figures 17 and 18.

³See the outstanding Office Action at page 5.

teach or suggest a “detector configured to generate a ranking of said ***broadcast programs*** in a descending order of a higher appearance frequency of said keyword, the detector configured to generate the ranking based on a number of times the keyword appears in each broadcast program.”

Thus, it is respectfully submitted that Kanemitsu does not teach “a detector” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2, 4-6, 14, and 15 dependent therefrom) is not anticipated by Kanemitsu and is patentable thereover.

Moreover, Claims 14 and 15 recite subject matter that further patentably defines over Kanemitsu. The outstanding Office Action cited column 8, lines 35-61 and Figure 22 with regard to Claims 14 and 15. However, as noted above, column 8, lines 35-61 has nothing to do with keyword searching of broadcast programs. In fact, this portion of Kanemitsu refers to Figure 21 as a display of the topic ranking. Figure 21 of Kanemitsu clearly does not describe “a display unit configured to display the ranking of the ***broadcast programs*** in the descending order of the higher appearance frequency of the keyword,” as none of the displayed topics are broadcast programs. Further, with respect to Claim 15, Figure 21 clearly does not show any appearance frequencies of a keyword in broadcast content information with a title of each corresponding broadcast program. Accordingly, Claims 14 and 15 clearly further patentably define over Kanemitsu.

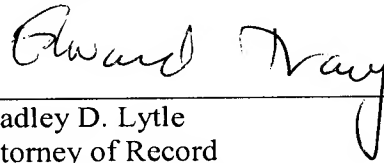
Amended Claim 7 also recites in part a “detector configured to generate a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword, the detector configured to generate the ranking based on a number of times the keyword appears in each broadcast program.” Accordingly, amended Claim 7 (and Claim 8 dependent therefrom) is patentable over Kanemitsu for at least the reasons described above with respect to Claim 1.

Claims 10-13 recite in part “generating a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword, the ranking being based on a number of times the keyword appears in each broadcast program.” As noted above, Kanemitsu does not describe that the number of keyword hits in each individual broadcast content is even counted during a content search. Thus, it is respectfully submitted that Kanemitsu does not teach “generating” as defined in Claims 10-13. Consequently, Claims 10-13 are also not anticipated by Kanemitsu and are patentable thereover.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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